

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on October 17, 2006 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 PM.

Present: James Nakas, Chairman  
Richard Markoff, Member  
Barbara Lasky, Member  
Brad Bush, Member  
Andrew Peebles, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Planning Board Attorney  
Ralph Lamson, C.E.O.  
Stephanie Perotti  
Jim Stevens, Attorney  
Shawn Adam, Alt. Planning Board Member  
Carole Ellsworth  
Harold Heckerman

Chairman Nakas welcomed everyone. He advised there is a rather short agenda this evening. If anyone is here for Case # 375 which is the application for a 2-lot subdivision of the Aungier Estate, this has been postponed until next month as the survey is being updated.

Chairman Nakas asked if there were any corrections or additions to the September 19, 2006 Planning Board Minutes.

Chairman Nakas had one. On page 7, 2<sup>nd</sup> paragraph it should read “berm” twice. There were no other additions or corrections. He advised the September 19, 2006 Planning Board Meeting Minutes will stand as corrected.

**CASE # 375                      Public Hearing for application of the Aungier Estate for a 2-lot subdivision of the property located at the northwest corner of Naughton Rd. and Route 20 in an Agricultural/Residential District. (Tax Map No. 020.-07-04.0)**

Postponed until next month.

**CASE # 377                      Public Hearing for application by Carol Reed for a 2-lot subdivision of her property located at 3417 Sentinel Heights Rd. approximately ½ mile south of the Bull Hill Rd. and Sentinel Heights Rd. intersection in an Agricultural/Residential District. (Tax Map No. 025.-03-02.2)**

Andrew Reed was present to represent the applicant. He said they are proposing to subdivide the parcel into 2 lots so he can build a house. He submitted a map dated 8/18/06 and prepared by David A. Vredenburgh.

Chairman Nakas asked the total acreage.

Andrew said 4.13 acres.

Chairman Nakas confirmed Lot 1A would be 93.87 acres.

Andrew said yes.

Chairman Nakas asked for any questions or comments from the Board or the public. He asked if the land has been perked.

Andy said it was a 10 minute perk. It perked very well. The septic design has been completed.

Chairman Nakas asked about water.

Andrew said he hasn't done a well yet but he is working with the builder.

Chairman Nakas asked about the right-of-way to Tennessee Gas.

Andrew said the newly subdivided property will only go back to the underground cable.

Chairman Nakas asked if there are any significant hills on the property.

Andrew said there is a slope. There's a valley further back on his mothers property. As far as where his house would be put, there's none.

Chairman Nakas said County Planning wants one 60' right-of-way for both lots. They want the access to Sentinel Hgts. Rd. from Lot 1A and 1B to be from one 60' right-of-way.

Andrew said he has a letter from the D.O.T. stating upon approval of the subdivision, the proposed driveway he showed them is O.K.

Ralph Lamson said they are telling him to have a shared driveway which is something we try not to do.

Member Peebles said he thinks they are trying to control access on north and south running roads. We often see referrals come back indicating they would like to see the larger parcel serviced off of one access.

Ralph said Sentinel Hgts. Rd. is not a commuter road. He thinks this is a ridiculous idea.

Chairman Nakas thinks they are saying if the big lot is subdivided further in the future, there would be a way to have a road going out to Sentinel Hgts. Rd.

John Langey said they are saying they would like Lot B to be able to cut into the right-of-way.

Andrew said if his mom wants to subdivide further, her idea would be to have a road access at that time.

Chairman Nakas said if the applicant applies for a driveway cut and the sight distance is O.K., they will probably approve it and if any further subdivision occurs, it would have to go through that 60' right-of-way.

Harold Heckerman said he has no problem with this application. He is a neighboring property owner.

Andrew submitted a letter to the Board from the D.O.T. regarding his driveway cut.

Chairman Nakas asked if there were any other questions or comments.

John Langey said it seems to him that they are saying the applicant has already shown the 60' right-of-way on the map. He would make any approval subject to a receipt of a letter from the D.O.T. that expresses what is meant by County Planning's first recommendation and he will have to adjust a note on the map showing he will be in compliance with what County Planning wants.

Chairman Nakas said to have the surveyor put the new language in the notes on the map and then we are all in compliance.

Member Peebles would like some explanation for # 1 and # 2 from County Planning. In our Board's resolution, how many accesses are we allowing?

John Langey said for 1A it would be right down the 60' strip. Currently 1B, until we get clarification from the D.O.T., can have one road cut.

It was noted any future purchaser of 1A will have to realize there will be an easement on the property.

John Langey said Ralph Lamson is correct that this creates a shared driveway.  
Chairman Nakas asked for any further questions or comments. There were none.

**Member’s Markoff moved and Bush seconded the motion to close the public hearing. Motion passed unanimously.**

**Member Markoff moved and Bush seconded the motion to make this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval and waive the public hearing for the final plat for the application by Carol Reed for a 2-lot subdivision with the following conditions as stated in Onondaga County Planning’s Resolution dated October 10, 2006:**

- 1) **All access to Sentinel Heights Road from both proposed Lot 1A and proposed Lot 1B shall be from the 60 foot right-of-way located on proposed Lot 1A to meet the requirements of the Onondaga County Department of Transportation. The notes regarding driveway access on the resubdivision plan shall be updated to reflect the requirements of the Onondaga County Department of Transportation.**
- 2) **Any further subdivision of proposed Lot 1A shall access Sentinel Heights Road from either the 60 foot reserved right-of-way or from a 60 foot right-of-way located within the “approved access area” to meet the requirements of the Onondaga County Department of Transportation. Both 60 foot rights-of-way should be used to access proposed Lot 1A should there be sufficient future development. Any future subdivision of proposed Lot 1A must include a plan showing full build-out.**
- 3) **Proposed Lot 1A must be labeled “This parcel has not been reviewed by the County Health Department for residential development.”**

**Voting on the above motion was as follows:**

<b>Chairman Nakas</b>	<b>Aye</b>
<b>Member Peebles</b>	<b>Aye</b>
<b>Member Markoff</b>	<b>Aye</b>
<b>Member Lasky</b>	<b>Aye</b>
<b>Member Bush</b>	<b>Aye</b>

**The above motion passed unanimously.**

**CASE # 380** Sketch Plan Conference for application by Stephanie Perotti for Controlled Site approval for her property at 3565 LaFayette Rd. approximately .5 miles south of the Bull Hill Rd. and LaFayette Rd. intersection in an Agricultural/Residential District for a Dog Boarding Kennel. (Tax Map No. 025.-04-07.0).

Mr. Stevens said he is representing Ms. Perotti. He spoke with John Langey before the meeting started. He advised him that a dog kennel attached to a residential property is not permitted by the town code. He was a little surprised by that as was his client because he and she had spoken to the Code Enforcement Officer and were advised the process to pursue was to get Controlled Site Approval in an A/R District. He has not researched the issue but he and his client are most unhappy about this.

Chairman Nakas said it's a point of confusion at this time. There are a couple of issues. One is the fact it would be operating a business in an A/R District which isn't allowed unless you get a specific permit, controlled site approval or a zone change to a Business District. A controlled site approval is usually within the confines of the house. Specific Permit approval is obtained from the Zoning Board of Appeals and a zone change comes from the Town Board.

Mr. Stevens said he specifically spoke to the Code Enforcement Officer about whether this was a controlled site or specific permit approval and he was advised to go for a controlled site approval. He was specifically directed to this procedure. He is not here to argue the town's position on zoning. In the event they do elect to withdraw their petition, he would respectfully request the applicant be refunded her fees.

John Langey said in fairness to Mr. Stevens, he didn't contact him until today. The application was very well done. We should give Mr. Stevens an opportunity to talk with his client and see what their options are. It might be best to adjourn this and give him an opportunity to discuss this with his client.

Ralph Lamson said the reason he told Mr. Stevens to go this way is because of the way things have been done in the past. Harper's Greenhouse was allowed.

John Langey said we determined the Watson's could not have a greenhouse because they did not have an active farm. This issue was very specific.

Mr. Stevens said in fairness to future applicants and residents in the Town of LaFayette, Ms. Perotti put in a purchase offer based on the information she received. This goes beyond this application. He feels for the future the town needs to be particularly careful about these types of things. He will advise the Chairman or John Langey of their decision before the next meeting in November.

John Langey said that would be by November 21<sup>st</sup>. He would be happy to work with the attorney and applicant on this to explore their options. He reviewed the Zoning Ordinance with the Board.

**Member's Markoff moved and Lasky seconded the motion to adjourn. Motion passed unanimously.**

The Planning Board Meeting adjourned at 7:32 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk